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14 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

15 United States of America,
16 Plaintiff/Judgment Creditor,
17 v.
18 Kelvin Atkinson,
19 Defendant/Judgment Debtor,
20 and
21 Clark County Credit Union, and its
22 successors or assigns,
23 Garnishee.

24 Case No.: 2:19-CR-00055-JCM-CWH

25 **Writ of Continuing Garnishment**

26 To the Garnishee: Clark County Credit Union
27 Attn: Liens and Garnishments
28 2625 N. Tenaya Way
Las Vegas, NV 89128

29 An Application for Writ of Continuing Garnishment against the following described
30 earnings, money or property of the above named Judgment Debtor has been filed with the
31 United States District Court for the District of Nevada.

32 Whereupon the Court, having considered the Application for Writ of Continuing
33 Garnishment against the earnings of the Judgment Debtor, Kelvin Atkinson, now finds
34 that the requirements of 28 U.S.C. § 3205 are satisfied and that an appropriate Writ of
35 Garnishment shall, and hereby does, issue.

1 IT IS THEREFORE ORDERED THAT:

2 1. A judgment has been entered against the above named Judgment Debtor in
3 the amount of \$250,000.00. As of December 26, 2019, no payments have been credited to
4 the account including the special assessment, leaving a balance due of \$250,000.00.

5 2. The Garnishee shall withhold and retain any earnings, money or property on
6 which the debtor has a substantial nonexempt interest including account numbers 561253
7 and 561253-5330 for which the Garnishee is or may become indebted to the Judgment
8 Debtor pending further order of this Court. Do not deliver property to the Court at this time.
9 Withhold and retain property until such time as the Court orders its distribution.

10 3. The Garnishee is required by law pursuant to 28 U.S.C. §3205(c)(2)(E) to
11 complete under oath the accompanying Answer of Garnishee within ten (10) days of receipt
12 of this Writ of Continuing Garnishment, and file the original with:

13 Clerk of the Court
14 U.S. District Court
333 Las Vegas Boulevard, South
15 Room 1334
Las Vegas, Nevada 89101

16 4. The Garnishee is also required to send a copy to the Judgment Debtor at:

17 Kelvin Atkinson
18 Register Number 55393-048
USP Atwater
19 U.S. Penitentiary
P.O. Box 019001
20 Atwater, CA 95301

21 and a copy to:

22 Mark E. Woolf
23 Assistant United States Attorney
United States Attorney's Office
24 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101

25 If you fail to file an answer or withhold property in accordance with this Writ, the United
26 States may petition the Court for an order requiring you to appear before this Court and
27 answer this Writ and withhold property before the appearance date. *See* 28 U.S.C.
28 § 3205(c)(6). If you fail to answer, or appear and fail to show good cause why you failed to

1 comply with this Writ, the Court shall enter a judgment against you for the value of the
2 substantial nonexempt property that should have been withheld and may award a
3 reasonable attorney's fee to the United States. *Id.*

4 6. Garnishee is prohibited from discharging the Judgment Debtor from
5 employment by reason of the fact that his/her earnings have been subject to garnishment for
6 any one indebtedness. *See* 15 U.S.C. § 1674.

7 7. Pursuant to 28 U.S.C. § 3205(c)(3), the United States shall serve the Garnishee
8 and the Judgment Debtor with copies of this Writ of Continuing Garnishment and shall
9 certify to the Court that such service was made. The writ shall be accompanied by the
10 instructions required by 28 U.S.C. §§ 3205(c)(3)(A) and (B).

11 8. Under the law, there is property which may be exempt from this Writ. Property
12 which may be exempt is listed on the attached exemption list.

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16 December 27, 2019



17 CLERK OF COURT

A handwritten signature in black ink, appearing to read "Dana K. King".

18 Signature of Clerk or Deputy Clerk

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15 United States of America,
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23 successors or assigns,
24
25 Garnishee.

26 Case No.: 2:19-CR-00055-JCM-CWH

27 **Clerk's Notice of Post-Judgment**
Garnishment

28 You are hereby notified that the Judgment Debtor's property is being taken by the
1 United States of America, which has a court judgment in case number 2:19-CR-00055-JCM-
2 CWH in the sum of \$249,900.00 as a *fine* and \$100.00 *special assessment*. As of December
3 26, 2019, a balance of \$249,900.00 remains outstanding on the fine. The \$100.00 special
4 assessment has not been paid.

5 In addition, you are hereby notified that there are exemptions under the law which
6 may protect some of this property from being taken by the United States if Kelvin Atkinson
7 can show that the exemptions apply. Attached is a summary of the major exemptions which
8 apply under federal law.

9 If you are Kelvin Atkinson, you have a right to ask the court to return your property

1 to you if you think you do not owe the money to the Government as it claims, or if you
2 think the property the Government is taking qualifies under one of the exemptions on the
3 attached list.

4 If you want a hearing, you must notify the court within 20 days after you receive this
5 notice. Your request must be in writing. The hearing will take place within 5 days after the
6 request is received, or as soon thereafter as practicable. *See* 28 U.S.C. §3202(d). If you wish,
7 you may use the attachment entitled Affidavit of Exemptions and Request for Hearing. To
8 request the hearing, fill out the information and check the appropriate box, indicate which
9 exemption(s) from the attached list you are claiming, have your oath and signature
10 notarized on the verification of the Affidavit and attach the Claim for Exemption Form with
11 the appropriate exemption(s) checked. You must either mail or deliver in person both forms
12 (Affidavit of Exemptions and Request for Hearing form and Claim for Exemptions Form)

13 to: Clerk, United States District Court
14 333 Las Vegas Boulevard, South, Room 1334
15 Las Vegas, Nevada 89101

16 So the Government will know you want a hearing, you must also send a full copy of your
17 request to the United States Attorney at:

18 United States Attorney's Office
19 Attn: Financial Litigation Unit
20 501 Las Vegas Boulevard, South, Suite 1100
21 Las Vegas, Nevada 89101

22 At the hearing you may explain to the judge why you think you do not owe the
23 money to the Government. If you do not request a hearing within 20 days of receiving this
24 notice, your property may be delivered to the United States to be applied toward the debt
25 you owe the Government.

26 If you live outside the Federal judicial district in which the court is located, you may
27 request, not later than 20 days after you receive this notice, that this proceeding to take your
28 property be transferred by the court to the Federal judicial district in which you reside. You
must make your request in writing, and either mail it or deliver it in person to the clerk of
the court at:

1 Clerk, United States District Court
2 333 Las Vegas Boulevard South, Room 1334
2 Las Vegas, Nevada 89101

3 So the Government will know you want the proceeding to be transferred, you must also
4 send a copy of your request to the United States Attorney at:

5 United States Attorney's Office
6 Attn: Financial Litigation Unit
6 501 Las Vegas Boulevard, South, Suite 1100
7 Las Vegas, Nevada 89101

8 Be sure to keep a copy of this notice for your own records. If you have any questions
9 about your right or about this procedure, you should contact a lawyer, an office of public
10 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can
11 refer you to other sources of information.

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13
14 December 27, 2019



15 CLERK OF COURT

Debra K. Knapp

16 _____
17 *Signature of Clerk or Deputy Clerk*

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NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS AND FURTHER INSTRUCTIONS

This post-judgment enforcement has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. The attached Claim for Exemption Form lists the exemptions available to you under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you believe that the money or property about to be taken from you is exempt, you should: (i) fill out the claim for exemption form, (ii) sign and notarize the form, and (iii) deliver or mail the form to the clerk's office of this court and send a copy to the counsel for the United States. This must be done within 20 days after this Notice was served. You have a right to a hearing within five business days, or as soon thereafter as practicable, from the date you file your claim with the court.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case.

If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

OBJECTIONS TO ANSWER. The garnishee has 10 days to file and serve a copy of its original answer to the writ of garnishment. Pursuant to 28 U.S.C. § 3205(c)(5), within 20 days after receipt of the answer, either you or the United States may file a written objection to the answer and request a hearing. A copy of the objection and request for a hearing shall be served on the garnishee and all other parties. The court shall hold a hearing within 10 days after the date the request is received by the court, or as soon thereafter as is practicable, and give notice of the hearing date to all parties.

**CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family. *See 26 U.S.C. § 6334(a)(1).*
- 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$6250** in value. *See 26 U.S.C. § 6334(a)(2).*
- 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3125** in value. *See 26 U.S.C. § 6334(a)(3).*
- 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico. *See 26 U.S.C. § 6334(a)(4).*
- 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee. *See 26 U.S.C. § 6334(a)(5).*
- 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. *See 26 U.S.C. § 6334(a)(6).*
- 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico. *See 26 U.S.C. § 6334(a)(7).*
- 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment. *See 26 U.S.C. § 6334(a)(8).*
- 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title

38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38. *See* 26 U.S.C. § 6334(a)(10).

____ 10. Assistance under Job Training Partnership Act.--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act. *See* 26 U.S.C. § 6334(a)(12).

____ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

Check on this form which exemption(s) from enforcement you are claiming, and attach to the Affidavit of Exemptions and Request for Hearing, along with copies of your documentation. The completed Affidavit with attachments must be signed, notarized and filed with the Clerk of the Court.

Within 20 days after this Notice was served, you must either mail or deliver this notarized form in person to:

Clerk, United States District Court
333 Las Vegas Blvd. South, Room 1334
Las Vegas, Nevada 89101.

You must also send a copy of your request to the United States Attorney at:

United States Attorney's Office
Attn: Financial Litigation Unit
501 Las Vegas Blvd., South
Suite 1100
Las Vegas, Nevada 89101

IF YOU DO NOT FILE THIS AFFIDAVIT WITHIN THE TIME SPECIFIED,
YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT
CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.